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OGC Has Reviewed

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CONFIDENTIAL

1 November 1954

OFFICE OF PERSONNEL MEMORANDUM NO. 20-850-2 (Supplement No. 4)

SUBJECT: Employment of Retired Personnel as Consultants

1. The Office of Personnel recently requested the Office of the General Counsel to consider the application of certain rulings of the Comptroller General regarding the employment as consultants of individuals receiving an annuity or retired pay under one of the basic retirement systems (Military, Foreign Service, and Civil Service retirement).

2. In its reply to this request, OGC advised that if an individual receiving retired pay is employed solely in an advisory capacity, generally at infrequent intervals, and is paid upon a fee basis, as distinguished from a purely time basis, he would not be holding a civilian office or position within the meaning of the dual compensation or office statutes. This general principle applies to all three classes of retired personnel referred to in paragraph 1 above. It is pointed out, however, that each of the criteria described in paragraph 2 must continue to apply during the period an individual is utilized; otherwise a dual office or compensation problem may arise.

3. Pertinent extracts of the OGC memorandum are quoted in the attachment to this OPM.

4. Cases in which questions of applicability are present will be referred to the Executive Officer, OP, for decision.

[REDACTED]
George E. Meloon
Deputy Assistant Director
for Personnel

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Attachment

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OPN 70-51

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